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10/767,372	01/30/2004	Hiroshi Gotoh	R2184.0300/P300	4894
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DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403			EXAMINER FARROKH, HASHEM	
			ART UNIT	PAPER NUMBER
			2187	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/18/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/767,372

Applicant(s)

GOTOH, HIROSHI

Examiner

Hashem Farrokhi

Art Unit

2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11, 12, 14 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-10 and 17, 19-23 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

This Office Action is in response to the Applicant's Remarks filed on October 27, 2006. The instant application having U.S. Patent No. 10/767,372 has a total of 21 claims pending in the application; claims 13 and 15 have been canceled; no claims have been amended or added.

INFORMATION CONCERNING CLAIMS:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-10, 17, and 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2004/0003314 A1 to Witt et al (hereinafter Witt).

1. In regard to claim 1 Witt teaches:

"A method of creating an image file of target information to be additionally written in an information recording medium (e.g., see paragraph 8 in page 1), comprising:

"a first step of creating image data of the target information;" (e.g., see **paragraph 8 in page 1; paragraph 67 in page 6; Fig. 6**). *For example the image file of source data is created. The source data represents target information.*

"a second step of obtaining identification information of the information recording medium;" (e.g., see **paragraphs 48-49 in page 5**). *For example control stream included in the image file includes the identification information.*

"and a third step of creating an image file having the image data in association with the identification information." (e.g., see **paragraphs 67-74 in pages 6-7; flow diagram in Fig. 6**).

2. *In regard to claim 2 Witt teaches:*

"wherein the identification information includes at least one of physical information (e.g., **geometry**) and logical information (e.g., **volume**) possessed by the information recording medium." (e.g., see **paragraph 48 in page 5; element 222 in Fig. 3**).

3. *In regard to claim 3 Witt teaches:*

"wherein the identification information includes the physical information (e.g., **geometry**), and said physical information includes at least one of disk specific information **paragraph 39 in page 4**, session information and track information." (e.g., see **paragraph 50 in page 5**)

4. *In regard to claim 5 Witt teaches:*

"wherein the physical information includes the track information (paragraph 49 in page 5), and said track information includes at least one of a number of recorded tracks and track lengths of the recorded tracks." (e.g., see paragraph 50 in page 5).

5. *In regard to claim 6 Witt teaches:*

"wherein the identification information includes the logical information (paragraph 48 in page 5), and said logical information includes at least one of volume information and file system information of the information recording medium." (e.g., see paragraph 8 in page 1).

6. *In regard to claim 7 Witt teaches:*

"wherein the logical information includes the volume information (paragraph 38 in page 4), and said volume information includes primary volume descriptor information." (paragraph 48 in page 5).

7. *In regard to claim 8 Witt teaches:*

"wherein the image file further includes the identification information." (paragraph 47 in page 4-5; Fig. 3).

8. *In regard to claim 9 Witt teaches:*

"wherein the third step creates management information to indicate a correspondence between the identification information and the image file." (paragraph 47 in pages 4-5;

Fig. 3). *The control stream is a part of image file which includes identification information.*

9. *In regard to claim 10 Witt teaches:*

"further comprising a fourth step of storing the image file created in the third step."
(paragraph 74 in page 7; Fig. 6).

10. *In regard to claim 17 Witt teaches:*

"An information recording system for recording information in an information recording medium, comprising:" **(paragraphs 15-16 in pages 2; Figs. 1-2).**

"an information processing device having a file creation part **(paragraph 16 in pages 2; Fig. 2)**, in response to a request to create an image file of target information to be additionally written in an information recording medium **(paragraph 46 in pages 4)**, creating an image file including image data of the target information in association with identification information of the information recording medium;" **(e.g., see paragraphs 67-74 in pages 6-7; flow diagram in Fig. 6).**

"and an information recording device **(Figs. 1-2)**, in response to a recording request from the information processing device **(paragraph 46 in pages 4)**, recording the target information in the information recording medium." **(e.g., see paragraphs 67-74 in pages 6-7; flow diagram in Fig. 6).**

11. *In regard to claim 19 Witt teaches:*

"wherein the image file further includes the identification information." (e.g., see paragraph 47 in pages 4-5; Fig. 3).

12. *In regard to claim 20 Witt teaches:*

"further comprising: a storage device;" (e.g., see element 141 in Fig. 1).

"and a storing part storing the image file created by the file creation part in the storage device." (e.g., see paragraph 37 in page 4; element 206 in Fig. 2).

13. *In regard to claim 21 Witt teaches:*

"wherein the storing part stores management information to indicate a correspondence between the identification information and the image file in the storage device."
(paragraph 47 in pages 4-5; Fig. 3).

14. *In regard to claim 22 Witt teaches:*

"wherein the identification information includes at least one of physical information and logical information possessed by the information recording medium." (e.g., see paragraph 48 in page 5; element 222 in Fig. 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witt in view of U.S. Patent No. 6,788,346 B2 to Ito et al. (hereinafter Ito).

15. *In regard to claim 4 Witt teaches all limitation recited in claim 1 but does not expressly teach: "wherein the physical information includes the disk specific information, and said disk specific information includes a disk ID."*

Ito teaches: "wherein the physical information includes the disk specific information (e.g., see column 4, lines 55-61; element 200 in Fig. 2), and said disk specific information includes a disk ID." (e.g., see column 5, lines 13-14; element 304 in Fig. 3) for providing disk physical information including the disk identification (ID).

Disclosures by Witt and Ito are analogous because both references related to data storage or recording systems.

At the time of invention it would have been obvious to a person of ordinary skill in art to modify the method and system taught by Witt to include the disk identification disclosed by Ito.

The motivation for using identification information as taught by column 1, lines 53-60 of Ito is to realize a small video image recording and reproducing apparatus and also to improve an operability of the user.

Therefore, it would have been obvious to combine disclosure by Ito with Witt to obtain the invention as specified in the claim.

16. *In regard to claim 23 Witt teaches all limitation recited in claim 17 but does not expressly teach: "wherein the information recording device multi-session records the target information in the information recording medium."*

It teaches: "wherein the information recording device multi-session records the target information in the information recording medium." (e.g., see column 6, lines 59-65; Fig. 6) for recording on optical disk in multi-session format. The motivation for combination is based on the same rational given for rejection of claim 4.

ALLOWABLE SUBJECT MATTER

Claims 11-12, 14, and 16 are allowed.

Claim 18 is objected to as being dependent upon rejected based claims, but would be allowable if rewritten in correct and independent form including all of the limitations of the base claim and any intervening claims.

1. The primary reason for allowance of claims 11-12, 14,16, and 18 in instant application is the combination with the inclusion of the following limitations: **determining whether the identification information of the information recording medium and identification information associated with the image file are the same; only if the identification information of the information recording medium and the identification information associated with the image file are the same based on the determination, additionally writing the image data included in the image file in the information recording medium**

: IMPORTANT NOTE :

*If the applicant should choose to rewrite the independent claims to include the limitations recited in either one of the claims, the applicant is encouraged to **amend the title of the invention** such that it is descriptive of the invention as claimed as required*

be sec. 606.01 of the MPEP. Furthermore, the **summary of invention** and the **abstract** should be amended to bring them into harmony with the allowed claims as required by paragraph 2 of sec. 1302.01 of the MPEP.

As allowable subject matter has been indicated, applicant's response must either comply with all formal requirements or specifically traverse each requirement not compiled with. See 37 C.F.R. § 1.111(b) and § 707.07(a) of the M.P.E.P.

Response to Applicant's Remarks

The Applicant's Remarks has been carefully considered but are not persuasive.

In regard to independent claims 1 and 17 the Applicant argues:

"Applicant respectfully submits that Witt does not disclose "[a] method of creating an image file of target information to be additionally written in an information recording medium," as recited in claim 1 and similarly recited in claim 17. (emphasis added). Witt simply discloses writing an image file to a destination storage medium. Applicant respectfully submits that, unlike the inventions of claims 1 and 17, Witt suggests writing an image file to only a blank destination storage medium. Witt does not disclose or suggest that an image file is "additionally written" to a destination storage medium that already contains data.

Furthermore, Applicant respectfully submits that Witt does not disclose "a second step of obtaining identification information of the information recording medium; and a third step of creating an image file having the image data in association with the identification information," as recited in claim 1 and similarly recited in claim 17. Witt only discloses obtaining information from the source storage media, and creating an image file that includes information from the source storage media. Witt does not disclose or suggest obtaining information from the destination storage media, and creating an image file that includes information from the destination storage media." (Page 3 of Applicant's Remarks).

From the above it seems that the Applicants agrees that Witt teaches creating the image file from source or target data that is stored in source storage media and obtaining the identification of source storage media and recording the information in the destination storage media. The Applicant argument is that information obtained and

recorded in destination storage media is only associated with the source storage media and not the destination storage media. However, Witt in paragraph 5, page 1 of his disclosure teaches:

"An image file is a copy of the data stored on a source storage media volume. Typically, the image file is a single stream of data that is a sector by sector copy of the data contained on the source storage media volume. The image file is in turn stored on a destination storage media volume. The destination storage media volume is a different volume or partition on the same storage media or, alternatively, a separate storage media. For example, an image file that represents a sector by sector copy of a hard disk volume is stored on a CD ROM." (Emphasis added).

As indicated Witt teaches that the destination storage medium may be a different volume or a partition on the same storage media. Therefore, in this case the image file written to a volume or a partition different from the source volume (e.g. image data is added). The source storage medium and destination storage medium are on the same storage medium. Contrary to the Applicant argument, there is no reference to a blank destination storage medium in the Witt's reference. In summary the Examiner believes Witt teaches all limitations recited in independent claims 1 and 17 and also claims 2-3 and 5-10 and 19-22 as shown above in reference to the rejection of the claims. Accordingly, the Examiner maintains his position and makes this Office Action final.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Hashem Farrokh whose telephone number is (571) 272-4193. The examiner can normally be reached Monday-Friday from 8:00 AM to 5:00 PM.

If attempt to reach the above noted Examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Donald A Sparks, can be reached on (571) 272-4201. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBS) at 866-217-9197 (toll-free).

HE

HF

2007-01-10


Brian R. Pough
Primary Examiner